



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4769

Introduced 1/18/2006, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

5 ILCS 312/6-102 from Ch. 102, par. 206-102
755 ILCS 45/2-7.8 new
755 ILCS 45/3-3.5 new
755 ILCS 45/4-10.5 new

Amends the Illinois Notary Public Act and the Illinois Power of Attorney Act. Provides that a notary public may sign the name of a person whose signature is to be notarized if: (1) the person is legally competent; (2) the person is physically unable to sign his or her name or make a signature mark on the document; (3) the person directs the notary public to sign the person's name in the person's presence, and the person is physically present when the notary public signs the person's name; (4) the notary public's act of signing the person's name is witnessed by 2 disinterested persons; and (5) the notary public states the circumstances of the signing in the notarial certificate and writes below the signature the following statement: "Signature affixed by notary public pursuant to subsection (e) of Section 6-102 of the Illinois Notary Public Act". Provides that in accordance with those provisions, a notary public may sign a principal's name on a durable power of attorney, a power of attorney for property, or a power of attorney for health care.

LRB094 18310 DRJ 53621 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Notary Public Act is amended by
5 changing Section 6-102 as follows:

6 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

7 Sec. 6-102. Notarial Acts. (a) In taking an acknowledgment,
8 the notary public must determine, either from personal
9 knowledge or from satisfactory evidence, that the person
10 appearing before the notary and making the acknowledgment is
11 the person whose true signature is on the instrument.

12 (b) In taking a verification upon oath or affirmation, the
13 notary public must determine, either from personal knowledge or
14 from satisfactory evidence, that the person appearing before
15 the notary and making the verification is the person whose true
16 signature is on the statement verified.

17 (c) In witnessing or attesting a signature, the notary
18 public must determine, either from personal knowledge or from
19 satisfactory evidence, that the signature is that of the person
20 appearing before the notary and named therein.

21 (d) A notary public has satisfactory evidence that a person
22 is the person whose true signature is on a document if that
23 person:

24 (1) is personally known to the notary;

25 (2) is identified upon the oath or affirmation of a
26 credible witness personally known to the notary; or

27 (3) is identified on the basis of identification
28 documents.

29 (e) A notary public may sign the name of a person whose
30 signature is to be notarized if:

31 (1) the person is legally competent;

32 (2) the person is physically unable to sign his or her

1 name or make a signature mark on the document;

2 (3) the person directs the notary public to sign the
3 person's name in the person's presence, and the person is
4 physically present when the notary public signs the
5 person's name;

6 (4) the notary public's act of signing the person's
7 name is witnessed by 2 disinterested persons; and

8 (5) the notary public states the circumstances of the
9 signing in the notarial certificate and writes below the
10 signature the following statement: "Signature affixed by
11 notary public pursuant to subsection (e) of Section 6-102
12 of the Illinois Notary Public Act".

13 (Source: P.A. 84-322.)

14 Section 10. The Illinois Power of Attorney Act is amended
15 by adding Sections 2-7.8, 3-3.5, and 4-10.5 as follows:

16 (755 ILCS 45/2-7.8 new)

17 Sec. 2-7.8. Notary public's signature of principal's name.
18 A notary public may sign a principal's name on a durable power
19 of attorney in accordance with subsection (e) of Section 6-102
20 of the Illinois Notary Public Act.

21 (755 ILCS 45/3-3.5 new)

22 Sec. 3-3.5. Notary public's signature of principal's name.
23 A notary public may sign a principal's name on a power of
24 attorney for property in accordance with subsection (e) of
25 Section 6-102 of the Illinois Notary Public Act.

26 (755 ILCS 45/4-10.5 new)

27 Sec. 4-10.5. Notary public's signature of principal's
28 name. A notary public may sign a principal's name on a power of
29 attorney for health care in accordance with subsection (e) of
30 Section 6-102 of the Illinois Notary Public Act.